



Governor's Office of Homeland Security

FY 2007 Infrastructure Protection Program: Transit Security Grant Program

Program Guidelines and Application Kit

California Supplement

March 10, 2008

Arnold Schwarzenegger
Governor
State of California

Matthew R. Bettenhausen
Director
Governor's Office of Homeland Security

Larry Davis
Deputy Director
Grants Management
Governor's Office of Homeland Security

John Isaacson
Chief
Grants Management
Governor's Office of Homeland Security

Cindy Barrett
Program Manager
Transit Security Grant Unit
Grants Management Division
Governor's Office of Homeland Security

José Lara
Program Representative
Transit Security Grant Unit
Grants Management Division
Governor's Office of Homeland Security

Table of Contents

Overview	
California State Supplement	4
Federal Program	4
State Program	5
Eligible Transit Systems	
Rail	6
Intra-City Bus	6
Dates and Deadlines	
Dates and Deadlines chart	7
Federal Application Process	
Application Submission	8
Required Submittals from Eligible Transit Systems	8
1.) Security Narrative	8
2.) Transit Risk Assessment	8
3.) Security and Emergency Preparedness Plan (SEPP)	9
4.) Regional Transit Security Strategy (RTSS)	9
5.) Regional Transit Security Working Group (RTSWG)	9
Subgrantee Application Process	
Subgrantee Applications	10
1.) Requirements of the subgrantee application package.	10
2.) Signing the applications	10
3.) Special Conditions	10
4.) Governing Body Resolution	11
5.) Grant Assurances	11
Program Requirements	
1.) How will the transit agencies know if their application has been approved?	11
2.) Subgrantee reporting	11
3.) Training Workshops	11
4.) California Public Records Act	12
5.) Post Award Modifications	12
6.) Monitoring Subgrantee Performance	12
7.) Suspension or Termination	13
8.) Closeout	13
9.) Management and Administrative Costs	14
10.) Advances and Interest Earned on Advances	14
11.) Reimbursement Request Process	14
12.) Authorized Equipment List and Equipment Assistance Program	14
13.) US Department of Homeland Security – Equipment Assistance Program (EPAP)	14
Appendix A – Subgrantee Application Forms	15

Overview

California State Supplement

This **California Supplement** to the FY 2007 Transit Security Grant Program (TSGP), Federal Program Guidelines and Application Kit is intended to complement, rather than replace, the guidelines published by the United States Department of Homeland Security (US-DHS). The supplement includes additional California policies and requirements applicable to FY 2007 TSGP.

Federal Program

The TSGP is one of five grant programs that constitute the Department of Homeland Security Fiscal Year 2007 Infrastructure Protection Program (IPP). The IPP is one tool among a comprehensive set of measures authorized by Congress and implemented by the Administration to help strengthen the nation's critical infrastructure against risks associated with potential terrorist attacks.

The vast bulk of America's critical infrastructure is owned and/or operated by State, local and private sector partners. The funds provided by the TSGP are primarily intended to support the work of public transit agencies that operate rail and bus networks. The TSGP also supports security funding for ferry systems and the National Passenger Rail Corporation, Amtrak.

FY 2007 Transit Security Grant Program Federal Program Guidelines and Application Kit

http://www.ojp.usdoj.gov/odp/docs/FY07_TSGP_guidance.pdf

The funding priorities for the FY07 TSGP reflect the Department's overall investment strategy, in which two priorities have been paramount: risk-based funding and regional security cooperation.

In addition to these two overarching priorities, the Department identifies the following seven specific priorities as our highest priority selection criteria for the FY07 TSGP rail and bus grants:

1. Protection of high risk/high consequence underwater and underground rail assets.
2. Protection of other high risk/high consequence assets and systems that have been identified through system-wide risk assessments.
3. Use of visible, unpredictable deterrence.
4. Targeted counter-terrorism training for key front-line staff.
5. Emergency preparedness drills and exercises.
6. Public awareness and preparedness campaigns.
7. Efforts in support of the national preparedness architecture.

Investment Justifications – As part of the application process, applicants must develop a formal Investment Justification that addresses each initiative being proposed for funding. These Investment Justifications must demonstrate how proposed projects address gaps and deficiencies in current programs and capabilities.

Applicants may propose up to ten (10) investments within their Investment Justification for individual systems and up to five (5) investments for regional projects (regional projects are those involving two or more eligible systems within the region). Tier 2 Investment Justifications must be submitted with the application by March 6, 2007. Tier 1 Investment Justifications for rail and intracity bus projects must be submitted to DHS by the appropriate SAA no later than 90 days from the date the grant is awarded by US-DHS.

State Program

The Governor has designated the Office of Homeland Security (OHS) as the State Administrative Agency (SAA) to apply for and administer the TSGP funds for California.

The FY 2007 TSGP provides financial assistance to eligible transit agencies through the SAA for protection of critical infrastructure and emergency preparedness activities. Allowable costs must comport with the FY 2007 Homeland Security Grant Program (HSGP), and the expenditure of FY 2007 TSGP funding must directly support each transit agency's risk-based Security and Emergency Preparedness Plan (SEPP) and a Regional Transit Security Strategy (RTSS). **Funds are allocated on a regional basis and distribution must be based on a consensus among the eligible transit systems and the SAA.**

**FY 2007 Homeland Security Grant Program
California Supplement to the Federal Program Guidelines and Application Kit**
<http://www.homeland.ca.gov/grants.html>

Eligible Transit Systems

Rail and Intracity Bus – Tier I

Urban Area	Regional Allocation	Eligible System
Greater Los Angeles Area	\$7,059,035	City of LA Department of Transportation (Bus)
		Southern California Regional Rail Authority (Metrolink –Commuter Rail)
		Santa Monica’s Big Blue Bus (Bus)
		Orange County Transportation Authority (OCTA – Bus)
		LA County Metropolitan Transportation Authority (Heavy Rail, Light Rail, Bus)
		Long Beach Transit (Bus)
		Foothill Transit (Bus)
Bay Area	\$13,820,695	SF Bay Area Rapid Transit District (BART – Heavy Rail)
		Central Contra Costa Transit Authority (Bus)
		Golden Gate Bridge, Highway and Transportation District (Bus)
		Alameda-Contra Costa Transit (AC Transit – Bus)
		Altamont Commuter Express (ACE – Commuter Rail)
		Metropolitan Transportation Commission (Transbay Bus Terminal – Bus)
		Peninsula Corridor Joint Powers Board (Caltrain – Commuter Rail)
		Santa Clara Valley Transportation Authority (VTA – Light Rail, Bus)
		San Mateo County Transit Authority (SamTrans – Bus)
		SF Municipal Railway (MUNI – Commuter Rail, Light Rail, Bus)
Total	\$20,879,730	

Rail and Intracity Bus – Tier II

Urban Area	Regional Allocation	Eligible System
San Diego	\$55,071	North San Diego County Transit District
		San Diego Metropolitan Transit System
Total	\$55,071	

Dates and Deadlines

FY 2007 Transit Security Grant Program Release	January 11, 2007
State Administrative Agency (SAA) application submittal	March 6, 2007
FY 2007 Tier II Awards Released	May 4, 2007
FY 2007 California Supplement to the Federal Guidance Released	March 10, 2008
Federal Performance Period begins	June 1, 2007
Award Date	August 9, 2007
Subgrantee Notification of Award	Varies – See Award Letter
Subgrantee Performance Period Ends	February 29, 2010
Federal Performance Period Ends	May 31, 2010

Federal Application Process

Application Submission

The Governor's Office of Homeland Security (OHS) as the State Administrative Agency (SAA) is responsible for the submission of the federal application for FY 07 Transit Security Grant Program (TSGP) via the US Department of Justice, Office of Justice Programs, Grant Management System (GMS) for all eligible systems in California.

Grants.Gov

<http://www.grants.gov/>

Required Submittals from Eligible Transit Systems

As part of the application process, the following documents must be submitted to OHS by each eligible transit system. OHS will upload the documents into the Office for Domestic Preparedness (ODP) Secure Portal – Transit Security Grant Program (TSGP) compartment.

**US Department of Homeland Security
Office for Domestic Preparedness
Secure Portal**

<https://odp.esportals.com/index.cfm>

1.) Security Narrative

- Point of Contact (POC)
- Operating System
 - o infrastructure
 - o ridership
 - o track miles
 - o number of vehicles or vessels
 - o types of service
 - o other important features
 - o system maps
 - o geographic boundaries
 - transit system
 - cities and counties served
 - o other sources of funding being leveraged for security enhancements
- Current prevention, detection and response capabilities relative to:
 - o Improvised explosive devices (IED)
 - o Chemical, Biological, Radiological and Nuclear devices – sensors, canine units, etc.

2.) Transit Risk Assessment (TRA)

As outlined in “The Public Transportation System Security and Emergency Preparedness Planning Guide”, published by the US Department of Transportation, Federal Transit Administration (FTA).

**US Department of Transportation
Federal Transit Administration (FTA)**
<http://www.fta.dot.gov/>

For purposes of this grant, rail and intra-city bus systems may use the Security Readiness Assessment conducted by the Federal Transit Administration (FTA). These agencies may also use the risk assessments that were completed during the previous round of Urban Area Security Initiative (UASI) Transit Grants or the risk assessment completed as part of the ODP Mass Transit Technical Assistance Program.

3.) Security and Emergency Preparedness Plan (SEPP)

Each transit system must have a current (updated within the 12 months), comprehensive plan that includes the requirements outlined in the Public Transportation System Security and Emergency Preparedness Planning Guide, published by the FTA.

The SEPP should provide written policies and procedures to guide the transit system's activities for homeland security and emergency preparedness. The SEPP should also specifically identify how the transit agency intends to address any shortfalls in current measures to deal with improvised explosive devices (IED) and other prevention, detection and response capabilities identified as part of the risk assessment. The SEPP, along with the Regional Transit Security Strategy (RTSS) described below, must serve as the basis for proposed allocations of grant funding.

4.) Regional Transit Security Strategy (RTSS)

A key element of the FY 2007 TSGP is the requirement that transit agencies receiving funds through the program work with the states, urban areas and other transit systems in their defined region to develop an RTSS. As the owners and/or operators of infrastructure that is vital to the well being of the states and urban areas they serve, it is imperative that transit systems be incorporated into regional preparedness planning efforts. The RTSS should serve as the integration point between the individual, risk-based SEPPs, and the overall security goals and objectives of the region. Therefore, the RTSS must demonstrate a clear linkage to the applicable state and urban area homeland security strategies developed or currently being developed. It is expected that the SEPPs and the RTSS will serve as the basis on which funding is allocated to address regional transit security priorities, and the vehicle through which transit agencies may justify and access other funding and resources available on a region-wide basis through the UASI program.

5.) Regional Transit Security Working Group – Consensus on Allocation of Funding

The State Administrative Agency (SAA), following the direction of the Regional Transit Security Working Group (RTSWG), requires transit systems selected for funding to participate in the work group. Decisions reached by the RTSWG must be by consensus. Any changes or modifications to the award must be submitted by the authorized representative of the RTSWG.

Note: This RTSWG must come to consensus as to the allocation of funding available to the transit systems within their region.

Subgrantee Application Process

Subgrantee Applications

Pending US-DHS Award Announcements, successful applicants will be required to submit the subgrantee application workbook to include the following:

Eligible transit systems that are allocated funds by the Regional Transit Security Working Group (RTSWG) must submit a subgrantee application package to the Governor's Office of Homeland Security (OHS). Application materials may be found at the OHS website.

**Governor's Office of Homeland Security
Grants Management Section**
<http://www.homeland.ca.gov/grants.html>

1.) Requirements of the subgrantee application package.

The subgrantee application package must include the following;

- Application Cover Sheet
- Regional Transit Security Working Group – Member Information
- OHS Financial Management Forms Workbook
- Governing Body Resolution \ Certification – Authorized Agent
- Grant Assurances
- Project description(s)

Note: The necessary forms may be found in Appendix A.

Note: The Financial Management Forms Workbook can be found at
<http://www.homeland.ca.gov/grants.html>.

2.) Signing the applications

The application cover sheet must be signed by the Authorized Agent for the transit agency.

3.) Special Conditions

All expenditures of FY 2007 Transit Security Grant Program (TSGP) funds must directly support each transit agency's risk-based Security and Emergency Preparedness Plan (SEPP) and the Regional Transit Security Strategy. The SEPP must specifically identify how the transit agency intends to address any shortfalls in current measures to deal with improvised explosive devices (IED) and other prevention, detection and response capabilities. If SEPP has not been developed and implemented, funds will not be released.

Transit agencies selected for funding MUST participate in a Regional Transit Security Working Group (RTSWG). The RTSWG will develop the Regional Transit Security Strategy (RTSS).

4.) Governing Body Resolution

The *Governing Body Resolution* appoints agents authorized to execute any actions necessary for each application and subgrant. All subgrantees are required to submit a *Governing Body Resolution* for the FY 07 Transit Security Grant Program (TSGP).

5.) Grant Assurances

The *Grant Assurances* form lists the requirements to which the subgrantees will be held accountable.

NOTE: Previous Assurances that refer to other fiscal years will no be valid. A new *Assurance* will be required to match the current fiscal year.

Program Requirements

1.) How will the transit agencies know if their application has been approved?

The Office of Homeland Security (OHS) will review all transit projects and determine if they are eligible under the FY 2007 TSGP. A written notice will be sent to each agency to inform them of the approval or denial of proposed projects.

2.) Subgrantee Reporting

Subgrantees are required to report on their FY 07 TSGP activities and accomplishments bi-annually via the US Department of Homeland Security (US DHS), National Preparedness Directorate (NPD), Grants Reporting Tool (GRT).

**US Department of Homeland Security
Office of Grants and Training
Grants Reporting Tool
<https://www.reporting.odp.dhs.gov/>**

The State Administrative Agency (SAA) due dates for biannual reporting are **July 31** for the period January 1 through June 30 and **January 31** for the period July 1 through December 31 of each year during the grant performance period. Subgrantee due dates will be approximately one (1) week prior to the SAA deadline.

3.) Training Workshops

The Governor's Office of Homeland Security (OHS) provides a series of workshops to assist in completing your biannual reports. These workshops are conducted around the State just prior to the reporting due dates.

OHS also provides training in grant management, fiscal management, conferences and working groups on a regular basis. To be informed of upcoming workshops and other training opportunities, please send your contact information, including email address to your Transit Unit Regional Representative

and ask to be placed on the email list. Contact information for your Transit Unit Regional Representative can be found at the OHS website.

Governor's Office of Homeland Security
Grants Management Section
<http://www.homeland.ca.gov/grants.html>

4.) California Public Records Act

The details of any application, modification, report, and payment request will be subject to the provisions of the California Public Records Act (Governmental Code Section 6250 et seq.). This means that all, or part, of the information provided to the state may be publicly disclosed. While the state will make every effort to protect sensitive information, it is imperative that information provided to the state does not contain information that constituent jurisdictions or agencies believe are confidential. The applicant's and subgrantee's failure to protect such information from disclosure may jeopardize the safety and security of the people of the State of California. For example, do not specifically identify potential targets, locations, and their vulnerabilities if this information is not already public knowledge. While bridges and shopping malls are well known targets, key distribution points of petroleum products and data storage facilities are not. Applicants and subgrantees should prepare and submit information to the state with the expectation that it may be made publicly available. If there are any questions about the inclusion of sensitive information in any information provided to the state, contact the OHS, Public Information Officer.

5.) Post Award Modifications

Post award budget, scope and time modifications must be requested in writing by the subgrantee's Authorized Agent, and submitted to the OHS. The subgrantee may implement the modifications, and incur associated expenses, after receiving state written approval of the modification. One (1) modification per quarter may be submitted.

NOTE: Any changes or modifications to the award must be submitted to the RTSWG for approval. Decisions reached by the RTSWG must be by consensus. Failure to submit modification requests, and receive written approval from OHS prior to expenditure, could result in a reduction or disallowance of that part of the grant.

6.) Monitoring Subgrantee Performance

The State may perform periodic reviews of subgrantee performance of eligible activities and approved projects. These reviews may include, but are not limited to:

- Comparing actual subgrantee activities to those approved in the subgrant application and subsequent modifications, if any.
- Ensuring that advances have been disbursed in accordance with applicable guidelines.
- Confirming compliance with:
 - Grant Assurances.

- Information provided on performance reports and payment requests.
- Needs and threat assessments and strategies.
- Fiscal records and management.

7.) Suspension or Termination

Before taking action, the state will provide the subgrantee reasonable notice of intent to impose measures and will make efforts to resolve the problem informally. The state may suspend or terminate subgrant funding, in whole or in part, or other measures may be imposed for any of the following reasons:

- Failing to comply with the requirements or statutory objectives of federal or state law.
- Failing to make satisfactory progress toward the goals or objectives set forth in the subgrant application.
- Failing to follow grant agreement requirements or special conditions.
- Proposing or implementing substantial plan changes to the extent that, if originally submitted, the application would not have been selected for funding.
- Failing to submit required reports.
- Filing a false certification in the application or other report or document.

8.) Closeout

The State will close a subgrantee award after:

- Receiving a subgrantee Performance Report indicating that all approved work has been completed, and all funds have been disbursed;
- Completing a review to confirm the accuracy of reported information; and,
- Reconciling actual costs to awards, modifications and payments.
- If the closeout review and reconciliation indicates that the subgrantee:
 - is owed additional funds, the state will send the final payment automatically to the subgrantee.
 - did not use all funds received, the state will issue an Invoice to recover unused funds.
- In the Grant Closeout letter, the state will notify the subgrantee of the start of the record retention period for all programmatic and financial grant related records.

NOTE: Failure to maintain all grant records for the required retention period could result in a reduction of eligible grant activities, and an invoice to return costs associated with the unsupported activities.

9.) Management and Administrative Costs

The subgrantee management and administrative (M&A) allowance is a maximum of **3.0%** of their sub-award for management and administration purposes.

10.) Advances and Interest Earned on Advances

The U.S. Department of Homeland Security allows subgrantees to request FY 2007 Transit Security Grant Program (TSGP) funds up to 120 days prior to expenditure/disbursement, or on a reimbursement basis. The federal guide requires that advances be deposited in interest-bearing accounts, and describes how interest earned should be returned to the federal government.

In addition to returning interest in accordance with the prescribed federal guidance, subgrantees must also inform the Office of Emergency Services, Accounting Section, of any interest returned on program funds.

11.) Reimbursement Request Process

To request an advance or reimbursement payment of FY 07 TSGP funds, complete and submit a Cash Request form from the Financial Management Forms Workbook and submit along with an Authorized Agent signature. Reimbursements will not be processed without an Authorized Agent signature.

NOTE: Payments can only be made if the subgrantee has an approved application, valid Governing Body Resolution and a valid Grant Assurance form on file with OHS.

12.) Authorized Equipment List

The Authorized Equipment List (AEL) may now be found on the web at the National Memorial Institute for the Prevention of Terrorism (MIPT).

**National Memorial Institute
Responder Knowledge Base**

<http://www.rkb.mipt.org>

13.) US Department of Homeland Security (US-DHS) – Equipment Purchase Assistance Program (EPAP) – allows grantees access to the Defense Logistics Agency’s DLA prime vendors.

**Governor’s Office of Homeland Security
Grants Management Section**

<http://www.homeland.ca.gov/grants.html>

Appendix A

Subgrantee Application Forms

**FY07 Transit Security Grant Program
Regional Transit Authority Working Group (RTSWG)**

Applicant _____

All TSGP applicants must submit Regional Transit Security Working Group (RTSWG) member information as part of their application package. For each member of the RTSWG, please provide the following member information:

Name

Job Title

Transit System

Mailing Address

Office Phone Number

Cell Phone Number

Fax Number

E-Mail Address

**FY07 Transit Security Grant Program
Application Cover Sheet for Transit Agencies**

Applicant _____

Authorized Agent Information:

Contact Information:

Mailing Address

Name/Title

City, State, Zip Code

Area Code/Office Telephone Number

E-Mail Address

Total Amount Requested

\$ _____

Total Equipment Amount Requested

Equipment – General

\$ _____

Statement of Certification - Authorized Agent

By signing below, I hereby certify that I am the duly appointed Authorized Agent and have the authority to apply on behalf of the above transit agency for FY 2007 Transit Security Grant Program funds, and that the transit agency's application directly supports the agency's risk-based Security and Emergency Preparedness Plan (SEPP) and the Regional Transit Security Strategy (RTSS).

Signature of Authorized Agent

Printed Name

Title

Date

For State use ONLY

Application reviewed/Grant award approved

by: _____
Name Date

Grant Performance

Period: _____

OES ID # _____ Award # _____

FY07 Transit Security Grant Program

Equipment Worksheet

Subgrantees must submit an Equipment Inventory-Ledger from the OHS Financial Management Forms Workbook with their application package. The Equipment Inventory-Ledger can be obtained in an electronic version on the Governor's Office of Homeland Security (OHS), Grants Management Section website, or by contacting your Transit Unit Regional Program Representative.

**Governor's Office of Homeland Security
Grants Management Section**

<http://www.homeland.ca.gov/grants.html>

Instruction Sheet for the Governing Body Resolution

Purpose

The purpose of the Governing Body Resolution is to appoint individuals to act behalf of the governing body and the applicant.

Authorized Agent(s)

The Governing Body Resolution allows for the appointment of individuals or positions. For each person or position appointed by the governing body, submit the following information, with the resolution, to the state on the applicant's letterhead:

- | | |
|---|---|
| <input type="checkbox"/> Transit System | <input type="checkbox"/> Telephone |
| <input type="checkbox"/> Grant Program | <input type="checkbox"/> Fax # |
| <input type="checkbox"/> Name | <input type="checkbox"/> Cell Phone # |
| <input type="checkbox"/> Title | <input type="checkbox"/> E-Mail Address |
| <input type="checkbox"/> Address | |
| <input type="checkbox"/> City | |
| <input type="checkbox"/> Zip Code | |
-

Authorized Agent Changes

If the Governing Body Resolution identifies Authorized Agents by position and/or title, changes can be made by submitting new Authorized Agent information to the state.

If the Governing Body Resolution identifies Authorized Agents by name, a new Resolution is needed when any changes are made. The information list above must also be submitted with the new Resolution.

Governing Body Resolution

BE IT RESOLVED BY THE _____
(Governing Body)

OF THE _____ *THAT*
(Name of Applicant)

_____, *OR*
(Name or Title of Authorized Agent)

_____, *OR*
(Name or Title of Authorized Agent)

_____,
(Name or Title of Authorized Agent)

is hereby authorized to execute for and on behalf of the named applicant, a public entity established under the laws of the State of California, any actions necessary for the purpose of obtaining federal financial assistance provided by the federal Department of Homeland Security and subgranted through the State of California.

Passed and approved this _____ day of _____, 20____

Certification

I, _____, duly appointed and
(Name)

_____ of the _____
(Title) (Governing Body)

do hereby certify that the above is a true and correct copy of a resolution passed and approved by

the _____ of the _____ on the
(Governing body) (Name of Applicant)

_____ day of _____, 20_____.

(Official Position)

(Signature)

(Date)

Office of Homeland Security

Grant Assurances

Name of Applicant: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Telephone Number: (_____) _____

Fax Number: (_____) _____

E-Mail Address: _____

As the duly authorized representative of the applicant, I certify that the applicant named above:

1. Agrees to comply with financial and administrative requirements set forth in the current edition of the Office of Grant Operations (OGO) Financial Management Guide.
2. Agrees to comply with the organizational audit requirements of OMB Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations, as further described in the current edition of the OJP Financial Guide, Chapter 19.
3. Understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of the enactment, repeal, modification or adoption of any law, regulation or policy, at any level of government, without the express prior written approval of G&T .
4. Agrees that federal funds under this award will be used to supplement but not supplant recipient or sub-recipient funds.
5. Further agrees to comply with the standards put forth in Office of Management and Budget Circular A-87, "Cost Principles for State, Local, and Indian Tribal Governments.
6. Agrees that all allocations and use of funds under this grant will be in accordance with the Fiscal Year 2007 Transit Security Grant Program Guidelines and Application Kit and must support the goals and objectives in each agency's Security and Emergency Preparedness Plan (SEPP) and the approved Regional Traits Security Strategy (RTSS).
7. The recipient agrees to cooperate with any assessments, national evaluation efforts, or information or data collection requests, including, but not limited to, the provision of any information required for the assessment or evaluation of any activities within this agreement.
8. The Department of Homeland Security (DHS) has elected to enter into cooperative agreements with recipients of FY 2007 Transit Security Grant Program (TSGP) identified as Tier I regions within the FY 2007 TSGP Program Guidance and Application Kit. The nature of the Federal involvement in the execution of this program may range from joint conduct of a Tier I subgrant project to prior approval of a new Tier I subgrant project or the next phase of an approved Tier

I subgrant project. Examples of substantial involvement include the following:

- a. Collaboration, participation, and/or intervention in any Tier I activity covered by the cooperative agreement;
 - b. Approval from DHS prior to the selection of a new Tier I subgrant project or commencement of the next phase of an approved Tier I activity if detailed performance specifications are not met;
 - c. Authority for DHS, to direct or redirect the scope of work of a Tier I subgrant project based on new circumstances; and,
 - d. Authority for DHS to create a working group of key Federal and private sector stakeholders to provide guidance and coordination for transit security activities.
9. The recipient may obligate, expend, or draw down no more than 5% of the total regional allocation available to eligible rail and intra-city bus transit systems until DHS/SLGCP has received the documents listed in a., b., and c., below; has received, reviewed, and approved the Regional Transit Security Strategy listed in d. below; and has issued a Grant Adjustment Notice (GAN) removing this special condition.
 - a. All of the Applicable Transit System Risk Assessments
 - b. All of the Applicable Security and Emergency Preparedness Plans
 - c. The Certification Regarding Regional consensus on Funding Allocations
 - d. The Regional Transit Security Strategy
10. Will comply with all federal statutes relating to nondiscrimination. These include but are not limited to:
 - a. Title VI of the Civil Rights Act of 1964 (P.L. 88-352), as amended, which prohibits discrimination on the basis of race, color or national origin;
 - b. Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681-1683 and 1685-1686), which prohibits discrimination on the basis of sex;
 - c. Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794) which prohibits discrimination on the basis of handicaps;
 - d. The Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101-6107) which prohibits discrimination on the basis of age;
 - e. The Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255) as amended, relating to nondiscrimination on the basis of drug abuse;
 - f. The Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism;
 - g. §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records;
 - h. Title VIII of the Civil Rights Act of 1968 (42 U.S.C. § 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing;
 - i. Title 28, Code of Federal Regulations, Part 42, Subparts C, D, E and G;
 - j. Title 28, CFR, Part 35;
 - k. Any other nondiscrimination provisions in the specific statute(s) under which application for federal assistance is being made, and
 - l. The requirements on any other nondiscrimination statute(s) which may apply to the application.

11. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provides for fair and equitable treatment of persons displaced or whose property is acquired as a result of federal or federally assisted programs. These requirements apply to all interested in real property acquired for project purposes regardless of federal participation in purchases.
12. Will comply, if applicable, with the flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
13. Will comply with environmental standards which may be prescribed pursuant to the following:
 - a. institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514;
 - b. notification of violating facilities pursuant to EO 11738;
 - c. protection of wetlands pursuant to EO 11990;
 - d. evaluation of flood hazards in floodplains in accordance with EO 11988;
 - e. assurance of project consistency with the approved state management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§ 1451 et seq.);
 - f. conformity of federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. § 7401 et seq.);
 - g. protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and
 - h. protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93-206).
14. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§ 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
15. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and preservation of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a-1 et seq.).
16. Will comply with Standardized Emergency Management System (SEMS) requirements as stated in the California Emergency Services Act, Government Code, Chapter 7 of Division 1 of Title 2, Section 8607.1(e) and CCR Title 19, Sections 2445, 2446, 2447 and 2448.
17. Has requested through the State of California, federal financial assistance to be used to perform eligible work approved in the applicant's application for federal assistance. Will, after the receipt of federal financial assistance, through the State of California, agree to the following:
 - a. Promptly return to the State of California all the funds received which exceed the approved, actual expenditures as accepted by the federal or state government.
 - b. In the event the approved amount of the grant is reduced, the reimbursement applicable to the amount of the reduction will be promptly refunded to the State of California.
 - c. Separately account for interest earned on grant funds, and will return all interest earned,

in excess of \$100 per federal fiscal year.

18. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. Sections 4728-4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
19. Will comply with provisions of the Hatch Act (5 U.S.C. Sections 1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with federal funds.
20. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
21. Will comply, if applicable, with the Laboratory Animal Welfare Act of 1966 (P. L. 89-544, as amended, 7 U.S.C. 2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.
22. Will comply with the minimum wage and maximum hour provisions of the Federal Fair Labor Standards Act (29 U.S.C. 201), as they apply to employees of institutions of higher education, hospitals, and other non-profit organizations.
23. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. Section 276a to 276a-7), the Copeland Act (40 U.S.C. Section 276c and 18 U.S.C. Sections 874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. Sections 327-333), regarding labor standards for federally assisted construction sub-agreements.
24. Is not itself, and will not make any award or permit any award (subgrant or contract) to any party which is debarred or suspended or is otherwise excluded from or ineligible for participation in Federal assistance programs under Executive Order 12549 and 12689, "Debarment and Suspension."
25. Agrees that:
 - a. No federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal grant or cooperative agreement;
 - b. If any other funds than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or an employee of Congress, or employee of a Member of Congress in connection with the federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form LLL, "Disclosure of Lobbying Activities," in accordance with its instructions;
 - c. The undersigned shall require that the language of this certification be included in the award documents for all sub awards at all tiers including subgrants, contracts under grants and cooperative agreements, and subcontract(s) and that all sub recipients shall

certify and disclose accordingly.

- d. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.
26. Agrees that equipment acquired or obtained with grant funds:
- a. Will be made available under the California Disaster and Civil Defense Master Mutual Aid Agreement in consultation with representatives of the various fire, emergency medical, hazardous materials response services, and law enforcement agencies within the jurisdiction of the applicant.
 - b. Is consistent with needs as identified in the Terrorism Annex to the State's Emergency Plan, and will be deployed in conformance with that plan.
 - c. Will be made available pursuant to applicable terms of the California Disaster and Civil Defense Master Mutual Aid Agreement and deployed with personnel trained in the use of such equipment in a manner consistent with the California Law Enforcement Mutual Aid Plan or the California Fire Services and Rescue Mutual Aid Plan.
27. Agrees that funds awarded under this grant will be used to supplement existing funds for program activities, and will not supplant (replace) non-federal funds.
28. Will comply with all applicable Federal statutes, regulations, policies, guidelines and requirements, including OMB Circulars A-87 and A-133, E.O. 12372 and Uniform Administrative Requirements for Grants and Cooperative Agreements contained in Title 28, Code of Federal Regulations, Part 66, that govern the application, acceptance and use of Federal funds for this federally-assisted project.
29. Will comply, and assure the compliance of all its subgrantees and contractors, with the nondiscrimination requirements of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, 42 USC 3789(d), or the Juvenile Justice and Delinquency Prevention Act, or the Victims of Crime Act, as appropriate; the provision of the current edition of the Office of Justice Programs Financial and Administrative Guide for Grants, M7100.1, and all other applicable Federal laws, orders, circulars, or regulations.
30. Will comply with provisions of 28 CFR applicable to grants and cooperative agreements, including Part 18, Administrative Review Procedures; Part 20, Criminal Justice Information Systems; Part 22, Confidentiality of Identifiable Research and Statistical Information; Part 23, Criminal Intelligence Systems Operating Policies; Part 30, Intergovernmental Review of Department of Justice Programs and Activities; Part 42, Nondiscrimination/Equal Employment Opportunities Policies and Procedures; Part 61, Procedures for Implementing the National Environmental Policy Act; Part 64, Floodplain Management and Wetland Protection Procedures; and Federal laws or regulations applicable to Federal Assistance Programs.
31. Will ensure that the facilities under its ownership, lease or supervision which shall be utilized in the accomplishment of this project are not listed in the Environmental Protection Agency's (EPA) list of Violating Facilities and that it will notify the Federal Grantor agency of the receipt of any communication from the Director of the EPA Office of Federal Activities indicating that a facility to be used in the project is under consideration for listing by the EPA.

32. Will comply with Subtitle A, Title II of the Americans with Disabilities Act (ADA) 1990.
33. Will, in the event a Federal or State court or Federal or State administrative agency makes a finding of discrimination after a due process hearing on the grounds of race, color, religion, national origin, sex, or disability against a recipient of funds, the recipient will forward a copy of the finding to the Office of Civil Rights, Office of Justice Programs.
34. Will provide an Equal Employment Opportunity Plan, if applicable, to the Department of Justice Office of Civil Rights within 60 days of grant award.
35. Will comply with the financial and administrative requirements set forth in the current edition of the Office of Justice Programs (OJP) Financial Guide.
36. Will comply, if applicable, with the provision of the Coastal Barrier Resources Act (P.L. 97-348) dated October 19, 1982 (16 USC 3501 et seq.) which prohibits the expenditure of most new Federal funds within the units of the Coastal Barrier Resources System.
37. Will comply with all applicable requirements of all other federal laws, executive orders, regulations, program and administrative requirements, policies and any other requirements governing this program.
38. Understands that failure to comply with any of the above assurances may result in suspension, termination or reduction of grant funds.

The undersigned represents that he/she is authorized by the above named applicant to enter into this agreement for and on behalf of the said applicant.

Signature of Authorized Agent:_____

Printed Name of Authorized Agent:_____

Title:_____ Date:_____